



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,738	03/22/2004	Alan K. Schaer	ATR-15CON	9575

27777 7590 06/02/2006  
PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

EXAMINER
----------

VAN, QUANG T

ART UNIT	PAPER NUMBER
----------	--------------

3742

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/805,738

Applicant(s)

SCHAER ET AL.

Examiner

Quang T. Van

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al (US 6,332,880) in view of Yang et al (US 6,097,976). Yang'880 discloses, figure 11, a catheter assembly a transeptal sheath (74); a guiding introducer (26) slidable within the transeptal sheath (74); a deflectable catheter (12) having proximal (14) and distal end (16) portions, wherein the deflectable catheter (12) is configured to be torquable and steerable (col. 11, lines 25-45); and a pullwire (32) integrated within the deflectable catheter (12) that is adapted to deflect at least a portion of the distal end (16) portion such that the deflectable catheter (12) may be advanced through the guiding introducer (26) wherein the guiding introducer (26) directs the catheter (12) towards the pulmonary vein and the catheter (12) is further directed into the pulmonary vein by manipulation of the proximal end portion (14). Yang'880 does not disclose the guiding introducer is pre-shaped to direct the catheter. Yang'976 discloses a guiding introducer is pre-shaped to direct the catheter (col. 2, lines 62-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yang'880 a guiding introducer is pre-shaped to direct

the catheter as taught by Yang'976 in order to direct the catheter towards the pulmonary vein.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al (US 6,332,880) in view of Yang et al (US 6,097,976) and further in view of Lesh (US 5,971,983). Yang'880/Yang'976 disclose substantially all features of the claimed invention except the ablation element comprise a microwave ablation element. Lesh discloses an ablation element comprise a microwave ablation element (col. 9, lines 43-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yang'880/Yang'976 an ablation element comprise a microwave ablation element as taught by Lesh in order to provide the efficient energy to treat the injure or ablate tissue.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al (US 6,332,880) in view of Yang et al (US 6,097,976) and further in view of Vaska et al (US 6,237,605). Yang'880/Yang'976 disclose substantially all features of the claimed invention except the ablation element comprising a cryogenic ablation element. Vaska discloses an ablation element comprising a cryogenic ablation element (col. 3, lines 44-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Yang'880/Yang'976 an ablation element comprising a cryogenic ablation element as taught by Vaska in order to form a continuous, uninterrupted lesion around or on the pulmonary veins.

***Response to Amendment***

5. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cox (US 6,083,232) discloses a vibrating stent for opening calcified lesions.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*QV*

QV  
May 26, 2006

*Quang T Van*

Quang T Van  
Primary Examiner  
Art Unit 3742